

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RONDA ZEGAR on behalf of herself and all
others similarly situated,

Case No. 08-CV-1148 (PJS/JJK)

Plaintiff,

ORDER

v.

NATIONWIDE CREDIT, INC.,

Defendant.

Thomas J. Lyons, Jr. and Trisa M. Roy, CONSUMER JUSTICE CENTER PA, for plaintiff.

Thomas A. Harder, FOLEY & MANSFIELD, PLLP, for defendant.

This matter is before the Court on the motion of plaintiff Ronda Zegar for class certification. Defendant Nationwide Credit, Inc. (“Nationwide”) filed a motion for summary judgment on January 28, 2009, that is also pending on the docket, but Nationwide did not file a brief in support of that motion. Instead, Nationwide asked for summary judgment in the brief it filed in opposition to Zegar’s class-certification motion. And rather than filing a reply brief with respect to her class-certification motion, Zegar filed an affidavit seeking limited further discovery under Rule 56(f) of the Federal Rules of Civil Procedure.

Under the circumstances, the Court finds good cause to allow Zegar to take the requested discovery. The Court therefore denies the parties’ motions without prejudice to renewal after discovery is completed in accordance with this order.

The Court further instructs Nationwide that if it intends to move for summary judgment, it must comply with the relevant local rules with respect to filing and briefing such motions. Local Rule 7.1(b) requires a party seeking summary judgment to file its supporting

memorandum of law at least 45 days before the hearing on the motion, and — contrary to what Nationwide seems to believe — nothing in Rule 56(b) of the Federal Rules of Civil Procedure relieves parties of the requirements of Local Rule 7.1(b).

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, IT IS
HEREBY ORDERED THAT:

1. The motion of plaintiff Ronda Zegar for class certification [Docket No. 61] is DENIED WITHOUT PREJUDICE.
2. The motion of defendant Nationwide Credit, Inc. for summary judgment [Docket No. 56] is DENIED WITHOUT PREJUDICE.
3. Plaintiff Ronda Zegar will be permitted to take the depositions of Ted Schuman and James Reid at a time to be arranged by the parties but no later than Friday, May 8, 2009.

Dated: April 21, 2009

s/Patrick J. Schiltz

Patrick J. Schiltz
United States District Judge